

**A REGULAR MEETING
OF
THE PUBLIC SERVICE COMMISSION**

1. A Regular Meeting was called to order by Chair Dallas Winslow in the Hearing Room, 861 Silver Lake Boulevard, Dover, Delaware, on Tuesday, October 18, 2016, at 1:00 p.m. with the following Commissioners in attendance: Joanne Conaway, Mike Karia, and Harold Gray. **Commissioner Kim Drexler was not present.**

The following Staff members were in attendance: Brenda Mayrack, Deputy Attorney General, Robert Willard, Deputy Attorney General, James McC. Geddes, Esquire, Robert Howatt, Matthew Hartigan, Amy Woodward, Connie McDowell, Joshua Bowman, and Donna Nickerson.

2. Meeting minutes from the October 6, 2016 Commission meeting was not approved because there was not a quorum. The October 6, 2016 meeting minutes will be placed on the November 1, 2016 Agenda for approval with a revision by Commissioner Gray.
3. CONSENT AGENDA ITEMS:

A motion was made by Commissioner Conaway to adopt the following Consent Agenda items:

IN THE MATTER OF THE CORRECTIVE ACTION ORDER ISSUED TO IACONO-SUMMER CHASE APARTMENTS, L.P. IN ACCORDANCE WITH 26 *DEL. ADMIN C.* §8001 (FILED OCTOBER 30, 2015) – PSC DOCKET NO. 15-1599

Commission to consider proposed Order No. 8964.

IN THE MATTER OF THE APPLICATION OF IDT ENERGY NETWORK, LLC (F/K/A EPIQ ENERGY, LLC) FOR A CERTIFICATE TO BROKER ELECTRIC SUPPLY SERVICES WITHIN THE STATE OF DELAWARE (SUBMITTED JUNE 6, 2016; FILED AUGUST 31, 2016) - PSC DOCKET NO. 16-0678

Commission to consider Staff Memorandum and proposed Order No. 8957.

IN THE MATTER OF THE APPLICATION OF VERVANTIS, INC. FOR A CERTIFICATE TO BROKER ELECTRIC SUPPLY SERVICES WITHIN THE STATE OF DELAWARE (SUBMITTED JUNE 24, 2016; FILED OCTOBER 4, 2016) - PSC DOCKET NO. 16-0731

Commission to consider Staff Memorandum and proposed Order No. 8958.

IN THE MATTER OF THE APPLICATION OF TIDEWATER UTILITIES, INC. FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE WATER SERVICES PURSUANT TO 26 *DEL. C.* §203C (“OCEAN WAY ESTATES – SECTION IV”) (FILED AUGUST 9 , 2016) - PSC DOCKET NO. 16-0826

Commission to consider Staff Memorandum and proposed Order No. 8960.

IN THE MATTER OF THE APPLICATION OF ARTESIAN WATER COMPANY, INC. FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE WATER SERVICES PURSUANT TO 26 *DEL. C.* §203C (“LICKLES (NCC062416)”) (FILED AUGUST 17, 2016) - PSC DOCKET NO. 16-0857

Commission to consider Staff Memorandum and proposed Order No. 8966.

IN THE MATTER OF THE APPLICATION OF BROKER ONLINE EXCHANGE, LLC FOR A CERTIFICATE TO PROVIDE ELECTRIC SUPPLY SERVICES WITHIN THE STATE OF DELAWARE (SUBMITTED AUGUST 24, 2016, FILED OCTOBER 6, 2016) - PSC DOCKET NO. 16-0883

Commission to consider Staff Memorandum and proposed Order No. 8967.

IN THE MATTER OF THE APPLICATION OF ARTESIAN WATER COMPANY, INC. FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE WATER SERVICES PURSUANT TO 26 *DEL. C.* §203C (“OWENS”) (FILED AUGUST 29 , 2016) - PSC DOCKET NO. 16-0891

Commission to consider Staff Memorandum and proposed Order No. 8961.

IN THE MATTER OF THE APPLICATION FOR THE APPROVAL TO TRANSFER INDIRECT CONTROL OF ACCESSLINE COMMUNICATIONS CORPORATION PURSUANT TO 26 *DEL. C.* §215(A)2 (FILED SEPTEMBER 26, 2016) – PSC DOCKET NO. 16-0939

Commission to consider Staff Memorandum.

IN THE MATTER OF THE APPLICATION OF DELMARVA POWER & LIGHT COMPANY FOR APPROVAL OF QUALIFIED FUEL CELL PROVIDER PROJECT TARIFFS (FILED SEPTEMBER 27, 2016) – PSC DOCKET NO. 16-0940

Commission to consider Staff Memorandum and proposed Order No. 8959.

The motion was seconded by Commissioner Karia; the motion carried 4-0.

4. REGULAR AGENDA ITEMS:

IN THE MATTER OF THE APPLICATION OF DELMARVA POWER & LIGHT COMPANY, EXELON CORPORATION, PEPCO HOLDINGS, INC., PURPLE ACQUISITION CORPORATION, EXELON ENERGY DELIVERY COMPANY, LLC AND NEW SPECIAL PURPOSE ENTITY FOR APPROVALS UNDER THE PROVISIONS OF 26 *DEL. C.* §§ 215 AND 1016 (FILED JUNE 18, 2014) -
PSC DOCKET NO. 14-193

Robert Willard, Esquire appeared on behalf of Commission.

James McC. Geddes, Esquire, and Connie McDowell appeared on behalf of Staff.

Thomas McGonigle, Esquire, and Joseph Schoell, Esquire, Drinker Biddle & Reath LLP, appeared on behalf of Joint Applicants, DP&L/Exelon.

Regina Iorii, Esquire, and Andrea Maucher appeared on behalf of the Division of the Public Advocate.

Devera B. Scott, Esquire, appeared on behalf of Delaware Department of Natural Resources and Environmental Control (“DNREC”).

Dr. Jeremy Firestone appeared *pro se* on behalf of himself.

A motion was made by Chair Winslow and seconded by Commissioner Gray to allocate \$4.0 ml. to the EEIF Fund as proposed by the Public Advocate; motion carried 4-0.

A motion was made by Commissioner Gray and seconded by Commissioner Conaway to adopt Order No. 8952 as submitted; motion carried 4-0.

A verbatim transcript was made of this proceeding.

IN THE MATTER OF THE APPLICATION OF UNITED WATER DELAWARE, INC.
FOR THE APPROVAL OF THE SEMI-ANNUAL ADJUSTMENT TO THE
DISTRIBUTION SYSTEM IMPROVEMENT (“DSIC”) CHARGE PURSUANT TO 26
DEL. C. §314 (FILED NOVEMBER 21, 2014) - PSC DOCKET NO. 14-0537

Robert Willard, Esquire, and Joshua Bowman appeared on behalf of Staff.

Larry Finnicum, Manager Operations, appeared on behalf of Suez Water Delaware f/k/a United Water Delaware, Inc.

Regina Iorii, Esquire, and Andrea Maucher appeared on behalf of the Division of the Public Advocate.

A motion was made by Commissioner Conaway and seconded by Commissioner Karia to adopt Order No. 8962 as presented; motion carried 4-0.

A verbatim transcript was made of this proceeding.

IN THE MATTER OF THE APPLICATION OF ARTESIAN WATER COMPANY,
INC. FOR THE APPROVAL OF THE SEMI-ANNUAL ADJUSTMENT TO THE
DISTRIBUTION SYSTEM IMPROVEMENT (“DSIC”) CHARGE PURSUANT TO 26
DEL. C. §314 (FILED NOVEMBER 26, 2014) - PSC DOCKET NO. 14-0540

IN THE MATTER OF THE APPLICATION OF ARTESIAN WATER COMPANY,
INC. FOR THE APPROVAL OF THE SEMI-ANNUAL ADJUSTMENT TO THE
DISTRIBUTION SYSTEM IMPROVEMENT (“DSIC”) CHARGE PURSUANT TO 26
DEL. C. §314 (FILED MAY 28, 2015) - PSC DOCKET NO. 15-1005

Robert Willard, Esquire, and Joshua Bowman appeared on behalf of Staff.

David Spacht appeared on behalf of Artesian Water Company, Inc.

Regina Iorii, Esquire, and Andrea Maucher appeared on behalf of the Division of the Public Advocate.

A motion was made by Commissioner Gray and seconded by Commissioner Conaway to adopt Order No. 8963 as submitted; motion carried 4-0.

A verbatim transcript was made of this proceeding.

IN THE MATTER OF THE APPLICATION OF CHESAPEAKE UTILITIES CORPORATION TO ESTABLISH A VALUATION PROCESS AND PRICING STRUCTURE FOR PROPANE COMMUNITY GAS SYSTEM ACQUISITIONS (FILED FEBRUARY 4, 2016) – PSC DOCKET NO. 16-0161

Brenda Mayrack, Esquire, appeared on behalf of Staff.

William O'Brien, Esquire, appeared on behalf of Chesapeake Utilities Corporation.

Regina Iorii, Esquire, and Andrea Maucher appeared on behalf of the Division of the Public Advocate.

A motion was made by Commissioner Conaway and seconded by Commissioner Karia to adopt Order No. 8965 as presented; motion carried 4-0.

A verbatim transcript was made of this proceeding.

IN THE MATTER OF THE COMMISSIONS' REVIEW OF THE NECESSITY FOR CYBERSECURITY GUIDELINES OR REGULATIONS FOR DELAWARE INVESTOR OWNED ELECTRIC, GAS AND WATER UTILITIES (FILED MAY 23, 2016) – PSC DOCKET NO. 16-0659

Robert Willard, Esquire, and Amy Woodward appeared on behalf of Staff.

Pamela Scott, Esquire, appeared on behalf of Delmarva Power & Light Company.

Larry Finnicum, Manager Operations, Suez Water Delaware.

Karl Randall, Esquire, Morris, Nichols, Arsht & Tunell LLP, appeared on behalf of Artesian Water Company, Inc.

Regina Iorii, Esquire, and Andrea Maucher appeared on behalf of the Division of the Public Advocate.

A motion was made by Commissioner Conaway and seconded by Commissioner Karia to adopt Order No. 8955 as submitted; motion carried 3-1. Commissioner Gray opposed.

A verbatim transcript was made of this proceeding.

5. DIRECTOR'S COMMENTS:

Mr. Howatt introduced Ronald Cerniglia, Director, National Advocacy Government and Regulatory Affairs, and Cullen Hay, General Manager, from Direct Energy who presented the Commission with their presentation regarding Direct Energy's Opt-In Affinity Program.

Mr. Howatt announced that there would be two upcoming hearings at the next Commission Meeting on Tuesday, November 1, 2016 at the Dover Office at 1:00 P.M.: 1) Regulation Docket No. 49, Retail Electric Supply Choice; 2) Docket No. 16-0928, FreedomVoice Systems and GoDaddy Operating Company, LLC, Transfer of Control.

There was no further business and the meeting adjourned approximately at 2:58 P.M.

Respectfully submitted,

/s/Donna Nickerson

Secretary